Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

October Term, 1993

JAMES WEBSTER MACE, Petitioner v.

ROY D. BLUNT, et al.

PETITION FOR WRIT OF CERTIORARI
to the U.S. Court of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

SUPPLEMENTAL APPENDIX

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Required Certainty

Footnote 1 page 3 **[ad litem]** as per argument amending possible appeal and error **[in re appurtenances]**before appellate jurisdiction, **[in gravamen]** as per aclnowledgement assignable via Court Document 36 pertinent to the anticipatory breach via **[illusory]** affidavit granted assignee Bill Clinton within an aleatory contract **[caveat emptor]** clause. Thereby creating **[chose in action**] causa condition subsequent to collateral attack to condition precedent pusuant to impugnment placed upon **[Proceedings]** by virture of Court Document 30, Appendix A in Petition For Writ of Certiorari

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 93-2312WM

JAMES WEBSTER MACE,	*	
Plaintiff-Appellant,	*	
v.	*	Appeals from the United States
Roy D. Blunt, Secretary of State,	*	District Court for the Western
Defendant-Appellee,	*	District of Missouri.
Bill Clinton; Matthew R. Davis; John P. Burnett; Clinton/Gore '92 Campaign, Inc.; Missouri State Democratic Committee,	*	[UNPUBLISHED]
Intervenors-Appellees.	*	

Submitted: October 21, 1993

Filed: October 27, 1993

Before FAGG, BOWMAN, and LOKEN, Circuit Judges.

PER CURIAM.

The district court's decision to dismiss James Webster Mace's complaint is clearly correct. We affirm for the reasons stated in the district court's order. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

UNITED STATES DISTRICT COURT

Western District of Missouri

JAMES WEBSTER v. ROY BLUNT, ET AL.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 92-4484-CV-C-9

___ ***Jury Verdict***. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

_X_ ***Decision by Court***. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

___ that defendant Blunt is dismissed from this case without prejudice, the parties to bear their own costs; (order of 3/2/93)

___ that plaintiff's claim for injunctive relief is dismissed as moot; plaintiff's claim for declaratory relief is dismissed for lack of standing; and case is dismissed; (order of 4/19/93)

ENTERED: APRIL 21, 1993

April 21, 1993
Date

Robert F. Connor, Clerk

Signed (By) Jackie Price, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JAMES WEBSTER MACE.	)	
Plaintiff,	)	
	)	
v.	)	No. 92-4484-CV-C-9
ROY BLUNT, et al.,	)	
	)	
Defendants.	)	

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

On November 6, 1992, plaintiff James Webster Mace filed his Amended Complaint. Giving the Amended Complaint the broadest possible construction, and incorporating into the Amended Complaint plaintiff's "Answer to Defendant-Intervenors' Motion to Make More Definite and Certain," it appears that plaintiff is seeking two types of relief. First, plaintiff appears to seek a declaratory judgment that Section 3 of the Fourteenth Amendment to the United States Constitution prohibits defendant Bill Clinton from holding the office of President of the United States. Second, plaintiff asks this court to issue an injunction "ordering that the inauguration of President Elect Bill Clinton be held in 'abeyance' til such time Congress can resolve its duty accordingly [sic] to the constitution."[1]

[1] On April 12, 1993, while this order was in its final stages of drafting, plaintiff filed a "Memorandum in Support of Standing to Sue and Plaintiff's Claim for equitable Relief." By this "Memorandum," plaintiff apparently intended to amend his Amended Complaint to assert new theories of equitable relief. Nothing contained in plaintiff's

memorandum changes the result of this order.

ORIGINAL Document #37

Defendant seeks dismissal of plaintiff's claims arguing that plaintiff lacks standing to sue and that plaintiff's claims are moot.

I. Plaintiff's Claim for Injunctive Relief Will be Dismissed as Moot

Plaintiff seeks to enjoin defendant's inauguration. However, defendants inauguration took place on January 20, 1993, making it impossible to grant the injunctive relief sought by plaintiff. Accordingly, plaintiff's claim for injunctive relief will be dismissed as moot.

II. Plaintiff Lacks Standing to Bring a Claim for Declaratory Relief

Defendant asserts that plaintiff lacks standing to sue because he cannot identify any personal injury, because his claims amount to a generalized grievance shared by all citizens of the United States and because this court can no longer grant the relief plaintifff is requesting. Plaintiff argues that he has satisfied the standing requirements because his vote has been "debased" and "impaired."

The Eighth Circuit Court of Appeals discussed the constitutional aspect of standing in National Wildlife Federation v. Agricultural Stabilization and Conservation Serv., 901 F.2d 673,675-76 (8th Cir. 1990):

> The standing requirement arises from the Constitution's limitation of the power of federal courts to deciding actual 'cases' and 'controversies.' U.S. Const. Art. III § 2. It focuses on whether the party seeking to bring a complaint before a federal court ' is a proper party to request an adjudication of a particular issue.' Flast v. Cohen, 392 U.S. 83, 100, 88 S. Ct. 1942, 1952-53, 20 L. Ed. 2d 947 (1968). "To be a proper litigant, the party must have 'alleged

> such a person's stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues.' " Defenders of Wildlife v. Hodel, 851 F.2d 1035, 1038 (8th Cir. 1988) (quoting Duke Power Co. v. Carolina Envtl. Study Group, Inc., 438 U.S. 59, 72, 98 S. Ct. 2620, 2630, 57 L.Ed. 2d 595 (1978)).
>
> The Supreme Court has specified three requirements that must be met to satisfy this constitutional requirement. The party must show he 'personally has suffered some actual or threatened injury as a reuslt of the putatively illegal conduct of the defendant.' Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 472, 102 S. Ct. 752, 758-59, 70 L.Ed. 2d 700 (1982). The injury must be 'fairly' traceable 'to the challenged action,' and it must be likely that the injury will be 'redressed by a favorable decision,' Id.

In addition to the constitutional requirements for standing, courts have developed a set of prudential principles which bear on the question of standing. Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 102 S.Ct. 752 (1982). Those prudential principles were articulated in Valley Forge:

> [T]his Court has held that 'the plaintiff generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.' Warth v. Seldin, 422 U.S. at 499, 95 S. Ct. at 2205. In addition, even when the plaintiff has alleged redressable injury sufficient to meet the requirements of Art. III, the Court has refrained from adjudicating 'abstract questions off wide public

> significance' which amount to 'generalized grievances,' pervasively shared and most appropriately addressed in the represenatative branches. Id., at 499-500, 95 S. Ct. at 2205-2206. Finally, the Court has required that the plaintiff's complaint fall within 'the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.' Association of Data Processing Service Orgs. v. Camp, 397 U.S. 150, 153, 90 S.Ct. 827, 830, 25 L.Ed.2d 184 (1970).

Id. at 474-75, 102 S. Ct. at 760.

As set out more fully below, the injury asserted by plaintiff cannot be redressed by a favorable decision of this court. Accordingly, plaintiff has failed to satisfy the third constitutional requirement for standing and his case must be dismissed.

Plaintiff's alleged injury is to his voting rights. Before the most recent presidential election, plaintiff had a valid argument that if he voted for defendant and it is determined after the election that defendant is barred from holding office by the Fourteenth Amendment, then plaintiff's vote would mean less than the votes of persons who voted for a candidate other than defendant. Plaintiff could then use the rationale of Baker v. Carr, 369 U.S. 186, 82 S. Ct. 691 (1962) to satisfy the standing requirements. The threatened impairment of plaintiff's vote would be prevented if, before the election, a court ruled that defendant was barred from holding office. Accordingly, the injury asserted by plaintiff would be redressed by a favorable decision.

However, plaintiff no longer faces a situation where his vote is potentially impaired or ineffective when compared to other persons'

votes. Instead, plaintiff's grievance is that his vote has been impaired because an invalid candidate appeared on his ballot for President of the United States. Accepting the allegations of plaintiff's Complaint as true, see National Wildlife Federation v. Agricultural Stabilization & Conservation Serv., 901 F.2d 673, 677 (8th Cir. 1990), a favorable decision of this court would not redress plaintiff's injury. A declaration that defendant is barred from holding office would not lessen the impact on plaintiff's vote because his vote has already been cast. The general election of 1992 has been held and plaintiff has voted. No declaration from this court will alter plaintiff's injury. Accordingly, plaintiff cannot establish that he has standing to sue and this case must be dismissed.

III. Conclusion

For the reasons stated, it is ORDERED that:

1) plaintiff's claim for injunctive relief is dismissed as moot;

2) plaintiff's claim for declaratory relief is dismissed for lack of standing; and

3) this case is dismissed.

Signed By D. BROOK BARTLETT

UNITED STATES DISTRICT JUDGE

Kansas City, Missouri

April 19, 1993.